

WC 08-173

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Our File No.: 0000332244

August 8, 2008

By Hand Delivery

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
c/o Natek, Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

FILED/ACCEPTED
AUG - 8 2008
Federal Communications Commission
Office of the Secretary

**Re: Section 63.71 Application of Onvoy, Inc. d/b/a Onvoy Voice Services to
Discontinue Telecommunications Services to Certain Customers**

Dear Ms. Dortch:

On behalf of Onvoy, Inc. d/b/a Onvoy Voice Services ("Onvoy"), an original and four (4) copies of this above-referenced Section 63.71 Application are enclosed for filing.

Please date-stamp the extra copy of this filing and return it in the envelope provided. Should you have any questions, please do not hesitate to contact Brett Ferencak at (202) 373-5697.

Respectfully submitted,



Jean L. Kiddoo
Brett P. Ferencak

Counsel for Onvoy, Inc.

Cc: Jeremy Miller (FCC)
John Adams (FCC)
Rodney McDonald (FCC)
Carmell Weathers (FCC)

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A/72587229.5

In the Matter of)
)
Section 63.71 Application of)
)
Onvoy, Inc. d/b/a Onvoy Voice Services)
)
For Authority to Discontinue Telecommunications)
Services to Certain Customers)

Onvoy, Inc. d/b/a Onvoy Voice Services (“Onvoy”), through its undersigned counsel, hereby files this Application pursuant to Section 63.71 of the Commission’s rules, 47 C.F.R. § 63.71, to discontinue certain telecommunications services that it provides to customers in Fort Wayne, Indiana, Ann Arbor and Lansing, Michigan and Akron and Toledo, Ohio (the “Discontinuance Markets”).¹ In support of this Application, Onvoy submits the following information:

Onvoy, Inc. d/b/a Onvoy Voice Services
300 South Highway 169, Suite 700
Minneapolis, MN 55426
www.onvoy.com

A/72587229.5

2. **Date of Planned Service Discontinuance:**

The anticipated date for the discontinuance of service is September 30, 2008 or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained.

3. **Geographic Areas Affected:**

The proposed discontinuance of service will affect certain customers served by Onvoy in Fort Wayne, Indiana; Ann Arbor and Lansing, Michigan; and Akron and Toledo, Ohio. The total number of affected customers (the "Discontinuance Customers") is approximately 360: 53 customers in Indiana; 238 customers in Michigan; and 69 customers in Ohio.

4. **Brief Description of Type of Service Affected:**

The telecommunications services received by the Discontinuance Customers include both local exchange and (interstate and intrastate) interexchange services provided over plain old telephone service lines and DS0 T1 channel and T1 services. In addition to voice services, certain customers also receive high-speed bandwidth services over the T1 facilities.

5. **Dominance or Non-dominance with Respect to Service to be Discontinued:**

Onvoy is non-dominant with respect to the telecommunications services that it proposes to discontinue. All telecommunications services that are being discontinued, including basic local services, are readily available from other carriers.

6. **Description of the Dates and Methods of Notice to Affected Customers:**

Onvoy (together with ZMS) provided written notice to affected Indiana customers on August 4, 2008, and affected Michigan and Ohio customers on August 7, 2008, in accordance

with the requirements of Section 63.71(a). A form of the customer notice is attached hereto as Exhibit A. The Discontinuance Customers were part of a recent acquisition of certain assets and customers of CenturyTel Acquisition LLC ("CTA") by Onvoy and its affiliates.² As part of that acquisition process, a letter was sent to the affected customers on May 5, 2008 advising them that following completion of that transaction, Onvoy might discontinue service to them following the transfer and the required regulatory approvals.³ As a result, the Discontinuance Customers were given over 110 days notice that their service might be discontinued, and now will have had nearly 60 days notice that their service will be discontinued.

7. *Service of Application:*

In accordance with Section 63.71(a) of the Commission's rules, Onvoy has mailed a copy of this Application to the Governor and the public utility commission of each of the states listed above in paragraph 3 and to the Special Assistant for Telecommunications for the Secretary of Defense.

² The Acquisition Application was approved on June 30, 2008. FCC Domestic Section 214 Application for the Transfer of Certain Assets of CenturyTel Acquisition LLC to Onvoy, Inc. and Zayo Bandwidth Indiana, LLC, WCB Docket No. 08-75, Public Notice (June 30, 2008) ("CTA Transfer Order").

³ See FCC Domestic Section 214 Application for the Transfer of Certain Assets of CenturyTel Acquisition LLC to Onvoy, Inc. and Zayo Bandwidth Indiana, LLC, WCB Docket No. 08-75, Application at p. 8 & Exhibit A (May 21, 2008) (the "Acquisition Application").

8. *Additional questions regarding this application may be addressed to:*

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Bingham McCutchen LLP
2020 K Street, N.W.
Washington, DC 20006
Tel: (202) 373-6697
Fax: (202) 373-6001
Email: jean.kiddoo@bingham.com
brett.ferenchak@bingham.com

II. **Circumstances of Discontinuance**

As the Commission is aware, Onvoy recently acquired certain assets and customers from CTA in the Markets.⁴ The Acquisition Application indicated that following the transfer Onvoy's parent, Zayo Group, LLC ("Zayo"), planned to review the customer contracts, locations, and services associated with the customers acquired from CTA, to determine whether a continuation of service is economically sustainable. That review has been completed and Zayo has determined that Onvoy must discontinue service to certain of the acquired customers unless those customers select an available service offering from Onvoy or one of its affiliates. Accordingly, Onvoy and ZMS notified these Discontinuance Customers that Onvoy will discontinue their regulated telecommunications service on or about September 30, 2008, subject to regulatory approval. The contract of each Discontinuance Customer permits the termination of the contract without cause. Further, all regulated telecommunications services that are being discontinued, including basic local services, are readily available from other carriers, and Onvoy

⁴ See CTA Transfer Order.

has provided more than the minimum 30-day notice required by the Commission for discontinuance of domestic services.

III. Conclusion

Onvoy's discontinuance of service to the Discontinuance Customers, while regrettable, is necessary and appropriate, and will not adversely affect the public convenience and necessity. The Discontinuance Customers will not be unduly harmed by the discontinuance of the service described above because Onvoy has given them notice that affords them an opportunity to select a new telecommunications provider.

For the foregoing reasons, Onvoy respectfully requests, pursuant to Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of all telecommunications services to certain customers in the Discontinuance Markets.

Respectfully submitted,



Jean L. Kiddoo
Brett P. Ferencak
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2020 K Street, N.W.
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Counsel to Onvoy, Inc. d/b/a Onvoy Voice
Services

Dated: August 8, 2008

EXHIBIT A



**NOTICE OF TELEPHONE, DATA AND INTERNET
SERVICE DISCONTINUANCE**

***YOU MUST TAKE IMMEDIATE ACTION
TO PREVENT DISRUPTION OF YOUR SERVICE***

DO NOT DISREGARD THIS NOTICE

[NAME]
[ADDRESS]

ACCOUNT #

August __, 2008

Dear Customer,

After careful consideration, Zayo Managed Services ("ZMS") and its affiliate Onvoy Voice Services ("Onvoy"), have made the decision to terminate your current service offering effective September 30, 2008, subject to regulatory approval. As a result, **all telecommunications services (local, long distance and data services)** provided to you by Onvoy as part of your ZMS service plan, and any other non-telecommunications services you obtain through ZMS, will be discontinued on or after September 30, 2008, subject to regulatory approval.

YOUR IMMEDIATE ACTION IS REQUIRED! YOU MUST SELECT A NEW SERVICE OFFERING WITH ZAYO MANAGED SERVICES or YOU MUST ELECT A NEW TELECOMMUNICATIONS SERVICE PROVIDER AS QUICKLY AS POSSIBLE OR YOU MAY LOSE ALL LOCAL AND LONG DISTANCE SERVICES PROVIDED BY ONVOY.

To select a new service offering with Zayo Managed Services, please contact our Account Management Team at: 866-251-7804.

If you choose a new service provider, do so as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider as some providers may require several weeks to install or connect new services. To help avoid service disruption, please check carefully that all Onvoy voice, data, and internet services you currently have as part of your ZMS service plan (including all local and long distance telecommunications services) are moved to your new service provider.

We understand that switching to another carrier can be inconvenient, and we will help you with the transition. You can generally find a list of telephone service providers in your local telephone directory. Once you have chosen your new carrier, we will work closely with that company to provide your network and other customer information necessary to transfer your services.

EXHIBIT A

Please be aware that you remain responsible for paying all bills rendered to you on behalf of Onvoy through the transition. You may be subject to suspension or termination of your phone service in accordance with your state Commission's rules if you fail to pay your telephone bills. Any deposits or credits associated with your account will be applied to your final bill, and any remaining balance will be returned to you.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

"The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division Washington, D.C. 20554, and include in your comments a reference to the Section 63.71 Application of Onvoy, Inc. d/b/a Onvoy Voice Services. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service."

If you would like to contact your state regulator about the discontinuance, please see the numbers provided below:

Indiana Contacts

Indiana Utility Regulatory Commission
101 W. Washington Street, Room 1500E
Indianapolis, IN 46204
Toll Free: 1-800-851-4268

Indiana Office of Utility Consumer Counselor
National City Center
115 W. Washington St., Suite 1500 South
Indianapolis, Indiana 46204
Toll Free: 1-888-441-2494

Michigan Contact

Michigan Public Service Commission
P.O. Box 30221
Lansing, MI 48909
Toll Free: 1-800-292-9555

Ohio Contacts

Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215
Toll Free: 1-800-686-7826
TTY Toll-Free: 1-800-686-1570

We appreciate having the opportunity to serve you and are committed to making the service transition as smooth as possible. If you have further questions regarding the discontinuance of our services, please contact our Customer Care Department at 800-850-9048.

Sincerely,

Zayo Managed Services
Onvoy Voice Services

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Section 63.71 Application of Onvoy, Inc. d/b/a Onvoy Voice Services to Discontinue Telecommunications Services to Certain Customers* as filed with the Federal Communications Commission was served this 8th day of August, 2008, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense
Attn: Special Assistant for Telecommunications
The Pentagon
Washington, DC 20301

Governor Mitch Daniels
Office of the Governor
Statehouse
Indianapolis, IN 46204-2797

Indiana Utility Regulatory Commission
National City Center
101 W. Washington Street
Suite 1500 East
Indianapolis, IN 46204

Governor Jennifer M. Granholm
P.O. Box 30013
Lansing, MI 48909

Michigan Public Service Commission
6545 Mercantile Way, Suite 7
Lansing, MI 48911

Governor Ted Strickland
Governor's Office
Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215-6108

Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, OH 43215-3793



Brett P. Ferenchak